



State of Utah

Department of
Environmental Quality

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Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

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Lieutenant Governor

DAQE-IN0569005-06

September 6, 2006

Lawnie Mathew
Harper Contracting
P.O. Box 18400
Kearns, Utah 84118

Dear Mr. Mayhew:

Re: Intent to Approve: Modification and Consolidation of Approval Orders DAQE-AN0569003-02 and DAQE-415-96 for Addition of Asphalt and Concrete Plants and Aggregate Production Decrease, Salt Lake County – CDS SM; NONATT; NSPS; HAPs; TITLE V MINOR
Project Code: N0569-005

The attached document is the Intent to Approve (ITA) for the above-referenced project. ITAs are subject to public review. Any comments received shall be considered before an Approval Order is issued.

Future correspondence on this Intent to Approve should include the engineer's name as well as the DAQE number as shown on the upper right-hand corner of this letter. Please direct any technical questions you may have on this project to Mr. Jon Black. He may be reached at (801) 536-4047.

Sincerely,

J. Tim Blanchard, Acting Manager
Minor New Source Review Section

RR:JB:kw

cc: Salt Lake Valley Health Department

Mike Owens, EPA Region VIII

STATE OF UTAH

Department of Environmental Quality

Division of Air Quality

**INTENT TO APPROVE: Modification and Consolidation for
Approval Orders DAQE-AN0569003-02 and DAQE-415-96
for Addition of Asphalt and Concrete Plants and Aggregate
Production Decrease**

**Prepared By: Jon Black, Engineering
(801) 536-4047
Email: jlbalk@utah.gov**

INTENT TO APPROVE NUMBER

DAQE-IN0569005-06

Date: September 6, 2006

Harper Contracting

**Source Contact
Lawnie Mayhew
(801) 250-0132**

**Richard W. Sprott
Executive Secretary
Utah Air Quality Board**

Abstract

Harper Contracting, Inc. submitted a Notice of Intent for a modification and consolidation of Approval Orders (AOs) DAQE-AN0569003-02 (Pit#10) and DAQE-415-96. The modification would include the addition of an asphalt plant, one concrete plant and an aggregate production decrease of 500,000 tons per year. Pit #10 is located at 6200 West 5400 South in West Valley City, which is a Non-attainment area of the National Ambient Air Quality Standards (NAAQS) for PM₁₀. New Source Performance Standards (NSPS) 40 CFR 60 Subparts A (General Provisions), I (Standards of Performance for Hot Mix Asphalt Facilities), Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels), and OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) regulations apply to this source. National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology (MACT) regulations do not apply to this source. Title V of the 1990 Clean Air Act applies to this source. Best Available Control Technology will require the use of wet suppression methods (water sprays and water truck) for control of fugitive emissions associated with the operation of aggregate, asphalt, and concrete production. Baghouse control devices will be required to control PM₁₀ emissions associated with the asphalt plant drum mixer and the cement plant mixer and weigh hopper loading. A fugitive dust control plan will also be required. The emissions, in tons per year, will change as follows: PM₁₀ (+) 9.16, NO_x (+) 11.63, SO₂ (+) 11.96, CO (+) 82.99, VOC (+) 5.40, HAPs (+) 1.62. The changes in emissions will result in the following, in tons per year, potential to emit totals: PM₁₀ = 17.73, NO_x = 38.37, SO₂ = 14.73, CO = 88.89, VOC = 7.08, HAPs = 1.62.

In accordance with R307-403-5(1)(c) emission offsets will be required for any combined total of PM₁₀, SO₂, and NO_x which exceeds 25 tons per year but less than 50 tpy. Harper Contracting, Inc., shall use 32.75 tons of their current banked emissions, which is the total proposed increase of PM₁₀ (9.16), SO₂ (11.96) and NO_x (11.63). This amount will be deducted from their current banked emissions listed in the Utah Division of Air Quality's Emission Credit Registry.

The Notice of Intent (NOI) for the above-referenced project has been evaluated and has been found to be consistent with the requirements of the Utah Administrative Code Rule 307 (UAC R307). Air pollution producing sources and/or their air control facilities may not be constructed, installed, established, or modified prior to the issuance of an Approval Order (AO) by the Executive Secretary of the Utah Air Quality Board.

A 30-day public comment period will be held in accordance with UAC R307-401-7. A notice of intent to approve will be published in the Salt Lake Tribune and Deseret News on September 11, 2006. During the public comment period the proposal and the evaluation of its impact on air quality will be available for both you and the public to review and comment. If anyone so requests a public hearing it will be held in accordance with UAC R307-401-7. The hearing will be held as close as practicable to the location of the source. Any comments received during the public comment period and the hearing will be evaluated.

Please review the proposed AO conditions during this period and make any comments you may have. The proposed conditions of the AO may be changed as a result of the comments received. Unless changed, the AO will be based upon the following conditions:

General Conditions:

1. This Approval Order (AO) applies to the following company:

Site Office

Harper Contracting, Inc.
6200 West 5400 South
Kearns, Utah 84118

Corporate Office Location

Harper Contracting, Inc.
P.O. Box 18400
Kearns, Utah 84118

Phone Number

(801) 250-0132

Fax Number

(801) 250-0671

The equipment listed in this AO shall be operated at the following location:

6200 West 5400 South, Kearns, Utah

Universal Transverse Mercator (UTM) Coordinate System: UTM Datum NAD27
4,500.5 kilometers Northing, 411.5 kilometers Easting, Zone 12

2. All definitions, terms, abbreviations, and references used in this AO conform to those used in the Utah Administrative Code (UAC) Rule 307 (R307) and Title 40 of the Code of Federal Regulations (40 CFR). Unless noted otherwise, references cited in these AO conditions refer to those rules.
3. The limits set forth in this AO shall not be exceeded without prior approval in accordance with R307-401.
4. Modifications to the equipment or processes approved by this AO that could affect the emissions covered by this AO must be reviewed and approved in accordance with R307-401.
5. All records referenced in this AO or in applicable NSPS standards, which are required to be kept by the owner/operator, shall be made available to the Executive Secretary or Executive Secretary's representative upon request. Records shall be kept for the following minimum periods:
 - A. Used oil consumption Three years
 - B. Emission inventories Five years from the due date of each emission statement or until the next inventory is due, whichever is longer.
 - C. NSPS records All NSPS records for the on-site processing equipment listed in Condition #8.A, #8.B, #8.C, #8.E, and #8.F shall be maintained on-site and shall be made available to the Executive Secretary or the Executive Secretary's representative upon request.
 - D. All other records Two years

6. Harper Contracting shall install and operate the concrete and asphalt equipment and shall conduct its operations of the aggregate, asphalt, and concrete plants in accordance with the terms and conditions of this AO, which was written pursuant to Harper Contracting's Notice of Intent submitted to the Division of Air Quality (DAQ) on March 24, 2005 and additional information submitted to the DAQ on March 22, 2006 and June 26, 2006.
7. This AO shall replace the AO's (DAQE-AN0569003-02) dated October 10, 2002 and (DAQE-415-96) dated April 12, 1996.
8. The approved installations shall consist of the following equipment or equivalent*:

Aggregate Plant Equipment

- | | | |
|----|---|-------------|
| A. | Four (4) jaw crushers, 250 tons per hour (tph) each | Subpart OOO |
| B. | Three (3) cone or impact crushers, 250 tph each | Subpart OOO |
| C. | Five (5) screens, 250 tph each | Subpart OOO |
| D. | Four (4) feeder/hoppers | |

Asphalt Plant Equipment

- | | | |
|----|---|-------------------------|
| E. | One (1) asphalt plant, 260 tph | Subpart I |
| F. | One (1) baghouse, 60,000 acfm | Subpart I |
| G. | Two (2) liquid asphalt storage tanks, 35,000 gallons each | |
| H. | Two (2) asphalt storage silos, 300 tons each | |
| I. | Five (5) cold feed storage bins | |
| J. | Two (2) fuel storage tanks, 30,000 gallons each | Subpart Kb ¹ |
| K. | One (1) fuel/petroleum storage tank, 250,000 gallons | Subpart Kb ² |

Concrete Plant Equipment

- | | |
|----|--|
| L. | One (1) central mix concrete batch plant, 200 cubic yards per hour (yd ³ /hr) |
| M. | One (1) truck mix concrete batch plant, 120 yd ³ /hr |
| N. | One (1) flyash silo, 40 ton |
| O. | One (1) flyash silo, 140 ton |
| P. | One (1) cement silo, 60 ton |
| Q. | One (1) cement silo, 140 ton |

Other Site Equipment

- | | |
|----|--|
| R. | Miscellaneous diesel generators the sum total of which shall be limited to 1,300 kW. |
| S. | All plants will have miscellaneous equipment consisting of conveyors, stackers, loaders, dozers, material haul trucks, water trucks, and small fuel storage tanks. |

* Equivalency shall be determined by the Executive Secretary.

1 Applicability will depend upon the vapor pressure of the product being stored in the tank.

2 Applicability will depend upon the vapor pressure of the product being stored in the tank.

9. The asphalt plant baghouse shall control process streams from the asphalt plant. This baghouse shall be sized to handle at least 60,000 ACFM for the existing conditions. All exhaust air from the asphalt plant shall be routed through the baghouse before being vented to the atmosphere.
10. The following operating parameters shall be maintained within the indicated ranges:
 - A. Asphalt plant baghouse
 - 1) The pressure drop shall not be less than 1.5 inches of water column or more than 6.0 inches of water column
 - 2) The asphalt mix temperature shall not exceed 375 degrees Fahrenheit.

They shall be monitored with equipment located such that an inspector/operator can safely read the output any time. The readings shall be accurate to within the following ranges:

- B. Pressure drop - Plus or minus 1.0 inches of water column
- C. Asphalt mix temperature - Plus or minus 10 degrees Fahrenheit

All instruments shall be calibrated according to the manufactures instructions at least once every 12 months.

11. Harper Contracting, Inc., shall notify the Executive Secretary in writing when the installation of the equipment listed in Condition #8 has been completed and is operational, as an initial compliance inspection is required. To insure proper credit when notifying the Executive Secretary, send your correspondence to the Executive Secretary, attn: Compliance Section.

If construction and/or installation has not been completed within eighteen months from the date of this AO, the Executive Secretary shall be notified in writing on the status of the construction and/or installation. At that time, the Executive Secretary shall require documentation of the continuous construction and/or installation of the operation and may revoke the AO in accordance with R307-401-18.

Limitations and Tests Procedures

12. Emissions to the atmosphere at all times from the indicated emission point shall not exceed the following rates and concentrations:

Source: Asphalt Plant Baghouse Exhaust Stack

<u>Pollutant</u>	<u>lb/hr</u>	<u>grains/dscf</u> (68EF, 29.92 in Hg)
PM ₁₀	5.52.....	0.024
PM ₁₀ (RAP) ³	6.44.....	0.028

3 RAP – Recycled Asphalt Material

13. Stack testing to show compliance with the emission limitations stated in the above condition shall be performed as specified below:

A.	<u>Emissions Point</u>	<u>Pollutant</u>	<u>Testing Status</u>	<u>Test Frequency</u>
	Asphalt Plant Baghouse Exhaust Stack	PM ₁₀ (virgin and RAP)	*	@

B. Testing Status

* Last stack test was performed on November 4, 2004.

@ Test every three years or sooner if directed by the Executive Secretary. Tests may be required if the source is suspected to be in violation with other conditions of this AO. Compliance testing shall not be required for both virgin and recycle asphalt materials during the same testing period. Testing shall be performed for the product being produced during the time of testing.

C. Notification

The Executive Secretary shall be notified at least 30 days prior to conducting any required emission testing. A source test protocol shall be submitted to DAQ when the testing notification is submitted to the Executive Secretary.

The source test protocol shall be approved by the Executive Secretary prior to performing the test. The source test protocol shall outline the proposed test methodologies, and stack to be tested, procedures to be used. A pretest conference shall be held, if directed by the Executive Secretary.

D. Sample Location

The emission point shall be designed to conform to the requirements of 40 CFR 60, Appendix A, Method 1, or other methods as approved by the Executive Secretary. An Occupational Safety and Health Administration (OSHA) or Mine Safety and Health Administration (MSHA) approved access shall be provided to the test location.

E. Volumetric Flow Rate

40 CFR 60, Appendix A, Method 2 or other testing methods approved by the Executive Secretary.

F. PM₁₀

For stacks in which no liquid drops are present, the following methods shall be used: 40 CFR 51, Appendix M, Methods 201, 201a, or other testing methods approved by the Executive Secretary. The back half condensibles shall also be

tested using the method specified by the Executive Secretary. All particulate captured shall be considered PM₁₀.

For stacks in which liquid drops are present, methods to eliminate the liquid drops should be explored. If no reasonable method to eliminate the drops exists, then the following methods shall be used: 40 CFR 60, Appendix A, Method 5, 5a, 5d, or 5e as appropriate, or other testing methods approved by the Executive Secretary. The back half condensibles shall also be tested using the method specified by the Executive Secretary. The portion of the front half of the catch considered PM₁₀ shall be based on information in Appendix B of the fifth edition of the EPA document, AP-42, or other data acceptable to the Executive Secretary.

The back half condensibles shall not be used for compliance demonstration but shall be used for inventory purposes.

G. Calculations

To determine mass emission rates (lb/hr, etc.) the pollutant concentration as determined by the appropriate methods above shall be multiplied by the volumetric flow rate and any necessary conversion factors determined by the Executive Secretary, to give the results in the specified units of the emission limitation.

H. New Source Operation

For a new source/emission point, the production rate during all compliance testing shall be no less than 90% of the production rate listed in this AO. If the maximum AO allowable production rate has not been achieved at the time of the test, the following procedure shall be followed:

- 1) Testing shall be at no less than 90% of the production rate achieved to date.
- 2) If the test is passed, the new maximum allowable production rate shall be 110% of the tested achieved rate, but not more than the maximum allowable production rate. This new allowable maximum production rate shall remain in effect until successfully tested at a higher rate.
- 3) The owner/operator shall request a higher production rate when necessary. Testing at no less than 90% of the higher rate shall be conducted. A new maximum production rate (110% of the new rate) will then be allowed if the test is successful. This process may be repeated until the maximum AO production rate is achieved.

I. Existing Source Operation

For an existing source/emission point, the production rate during all compliance testing shall be no less than 90% of the maximum production achieved in the previous three (3) years.

14. The amount of recycle asphalt used in the asphalt production shall not exceed 40% of the total product at any time. Compliance shall be determined by the actual hourly production of the plant divided by the hourly amount of recycle product introduced to the plant. Daily records maintained on site shall include:
 - A. Total production
 - B. Amount of recycled asphalt used in the total production
 - C. Daily calculations of the percent recycle used in the total production
15. Visible emissions from the following emission points shall not exceed the following values:
 - A. All crushers - 15% opacity
 - B. All screens - 10% opacity
 - C. All baghouse/binvent exhaust points – 10% opacity
 - D. All conveyor transfer points - 10% opacity
 - E. All diesel engines - 20% opacity
 - F. All conveyor drop points - 20% opacity
 - G. All other points - 20% opacity

Opacity observations of emissions from stationary sources shall be conducted according to 40 CFR 60, Appendix A, Method 9.

For sources that are subject to NSPS, opacity shall be determined by conducting observations in accordance with 40 CFR 60.11(b) and 40 CFR 60, Appendix A, Method 9.

16. Visible fugitive dust emissions from haul-road traffic and mobile equipment in operational areas shall not exceed 20% opacity. Visible emissions determinations for traffic sources shall use procedures similar to Method 9. The normal requirement for observations to be made at 15-second intervals over a six-minute period, however, shall not apply. Six points, distributed along the length of the haul road or in the operational area, shall be chosen by the Executive Secretary or the Executive Secretary's representative. An opacity reading shall be made at each point when a vehicle passes the selected points. Opacity readings shall be made 1/2 vehicle length or greater behind the vehicle and at approximately 1/2 the height of the vehicle or greater. The accumulated six readings shall be averaged for the compliance value.

Aggregate Plant Operations

- A. 500,000 tons of processed⁴ aggregate material total for all aggregate operations and equipment approved under this permit, per rolling 12-month period

Asphalt Plant Operations

- B. 400,000 tons of combined asphalt production (virgin and recycled asphalt product) per rolling 12-month period. (240,000 tons of asphalt can be produced

⁴ Processed is defined as passing through a crushing or screening device prior to product delivery.

with on specification used oil or #1, #2, or any combination of #1 or #2 fuel oil with the remaining asphalt produced with natural gas)

Concrete Plant Operations

- C. 300,000 cubic yards of concrete production per rolling 12-month total

Diesel Generator Usage

- D. 1,300 kW of total diesel generator capacity on-site at any one time. The maximum hours of operation of the combined diesel generators shall be limited to 4,500 total hours.

To determine compliance with a rolling 12-month total the owner/operator shall calculate a new 12-month total by the twentieth day of each month using data from the previous 12 months. Records of production shall be kept for all periods when the plant is in operation. Production shall be determined by scale house records or vendor receipts. The records of production shall be kept on a daily basis. Hours of operation shall be determined by supervisor monitoring and maintaining of an operations log.

Roads and Fugitive Dust

17. All unpaved roads and other unpaved operational areas that are used by mobile equipment shall be water sprayed and/or chemically treated to control fugitive dust. The application of water or chemical treatment shall be used. Treatment shall be of sufficient frequency and quantity to maintain the surface material in a damp/moist condition or unless it is below freezing. The opacity shall not exceed 20% during all times the areas are in use. If chemical treatment is to be used, the plan must be approved by the Executive Secretary. Records of water and/or chemical treatment shall be kept for all periods when the plant is in operation. The records shall include the following items:

- A. Date
- B. Number of treatments made, dilution ratio, and quantity
- C. Rainfall received, if any, and approximate amount
- D. Time of day treatments were made

18. The haul road limitations shall be:

- A. 1/2 miles in length
- B. 10 miles per hour

This limitation shall not be exceeded without prior approval in accordance with R307-401, UAC. The haul road speed shall be posted, at a minimum, on site at the beginning of the haul road so that it is clearly visible from the haul road.

19. Water sprays or chemical dust suppression sprays shall be installed at the following points to control fugitive emissions:

- A. All crushers

- B. All screens
- C. All conveyor transfer points

The sprays shall operate whenever dry conditions warrant or as determined necessary by the Executive Secretary.

- 20. The storage piles shall be watered to minimize generation of fugitive dusts, as dry conditions warrant or as determined necessary by the Executive Secretary.
- 21. Harper Contracting shall abide by a fugitive dust control plan acceptable to the Executive Secretary for control of all dust sources associated with the Pit #10 location. Harper Contracting shall abide by the most current fugitive dust control plan approved by the Executive Secretary.
- 22. Harper Contracting shall abide by all applicable requirements of R307-309 for PM₁₀ non-attainment areas for Fugitive Emission and Fugitive Dust sources. The full text of R307-309, Davis, Salt Lake and Utah Counties, Ogden City and Any Non-attainment Area for PM₁₀ Fugitive Emissions and Fugitive Dust, is included as Appendix A. However, to be in compliance, this source must operate in accordance with the most current version of R307-309.

Fuels

- 23. The owner/operator shall use natural gas, fuel oil or on-specification used oil as a primary fuel in the asphalt plant burner.
- 24. The owner/operator shall use #1, #2 or a combination of #1 and #2 diesel fuel in all other on-site equipment.
- 25. The sulfur content of any fuel oil or diesel burned shall not exceed:
 - A. 0.50 percent by weight for fuels used in the asphalt plant.

The sulfur content shall be determined by ASTM Method D-4294-89 or approved equivalent. Certification of used oil shall be either by Harper Contracting's own testing or test reports from the used oil fuel marketer.

Federal Limitations and Requirements

- 26. In addition to the requirements of this AO, all applicable provisions of 40 CFR 60, New Source Performance Standards (NSPS) Subpart A (General Provisions) 40 CFR 60.1 to 60.18, Subpart I (Standards of Performance for Hot Mix Asphalt Facilities) 40 CFR 60.90 to 60.93, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels) 40 CFR 60.110b to 60.117b, and Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants), 40 CFR 60.670 to 60.676 apply to this installation.

Records & Miscellaneous

27. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any equipment approved under this Approval Order including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Executive Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. All maintenance performed on equipment authorized by this AO shall be recorded.
28. The owner/operator shall comply with R307-150 Series. Inventories, Testing and Monitoring.
29. The owner/operator shall comply with R307-107. General Requirements: Unavoidable Breakdowns.

The Executive Secretary shall be notified in writing if the company is sold or changes its name.

This AO in no way releases the owner or operator from any liability for compliance with all other applicable federal, state, and local regulations including R307.

A copy of the rules, regulations and/or attachments addressed in this AO may be obtained by contacting the Division of Air Quality. The Utah Administrative Code R307 rules used by DAQ, the Notice of Intent (NOI) guide, and other air quality documents and forms may also be obtained on the Internet at the following web site:

<http://www.airquality.utah.gov/>

The annual emissions estimations below include point source, fugitive emissions, fugitive dust, road dust, and tail pipe emissions. These emissions are for the purpose of determining the applicability of Prevention of Significant Deterioration, non-attainment area, Maintenance area, and Title V source requirements of the R307. They are not to be used for determining compliance.

The controlled Potential To Emit (PTE) emissions for this source (the entire Pit #10 plant) are currently calculated at the following values:

	<u>Pollutant</u>	<u>Tons/yr</u>
A.	PM ₁₀	17.73
B.	SO ₂	14.73
C.	NO _x	38.37
D.	CO	88.89
E.	VOC	7.08
F.	HAPs	
	Formaldehyde	0.97
	Total Miscellaneous HAPs	1.62

The Division of Air Quality is authorized to charge a fee for reimbursement of the actual costs incurred in the issuance of an AO. An invoice will follow upon issuance of the final Approval Order.

Sincerely,

J. Tim Blanchard, Acting Manager
Minor New Source Review Section

Appendix A

R307. Environmental Quality, Air Quality.

R307-309. Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust.

R307-309-1. Applicability and Definitions.

- (1) Applicability. R307-309 applies to all sources of fugitive dust and fugitive emissions located in Davis, Salt Lake and Utah Counties, Ogden City, and any nonattainment area for PM10, except as specified in (2) below. Any source located in those areas for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401 is subject to R307-309 on May 4, 1999, unless the source has an operating permit issued under R307-415 prior to that date. If the source has an operating permit, the source is subject to R307-309 on the date of permit renewal or permit reopening as specified in R307-415, whichever occurs first.
- (2) Exemptions.
 - (a) The provisions of R307-309 do not apply to agricultural or horticultural activities.
 - (b) Any source which is subject to R307-305-2 through 7 or R307-307 is exempt from all provisions of R307-309 except for R307-309-4.
 - (c) Any source regulated by R307-205-5 or R307-205-6 is exempt from all provisions of R307-309 except for R307-309-4.
- (3) The following additional definitions apply to R307-309:
 "Material" means sand, gravel, soil, minerals or other matter which may create fugitive dust.
 "Road" means any public or private road.

R307-309-2. Fugitive Emissions.

Fugitive emissions from any source shall not exceed 15% opacity.

R307-309-3. General Requirements for Fugitive Dust.

- (1) Opacity caused by fugitive dust shall not exceed: (a) 10% at the property boundary; and (b) 20% on site unless an approval order issued under R307-401 or a dust control plan specifies a lower level; except when the wind speed exceeds 25 miles per hour and the owner or operator is taking appropriate actions to control fugitive dust. If the source has a dust control plan approved by the Executive Secretary, control measures in the plan are considered appropriate. Wind speed may be measured by a hand-held anemometer or equivalent device.
- (2) Any source with a dust control plan approved by the Executive Secretary prior to March 4, 1999, shall review and revise the plan in accordance with R307-309-4 below. The revised plan shall be submitted to the Executive Secretary no later than May 4, 1999.

R307-309-4. Fugitive Dust Control Plan.

- (1) Any person owning or operating a new or existing source of fugitive dust, including storage, hauling or handling operations or engaging in clearing or leveling of land one-quarter acre or greater in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land one-quarter acre or greater in size or access haul roads shall submit a plan to control fugitive dust to the Executive Secretary no later than 30 days after the source becomes subject to the rule. The plan shall address fugitive dust control strategies for the following operations as applicable:
 - (a) Material Storage;
 - (b) Material handling and transfer;
 - (c) Material processing;
 - (d) Road ways and yard areas;
 - (e) Material loading and dumping;
 - (f) Hauling of materials;
 - (g) Drilling, blasting and pushing operations;

- (h) Clearing and leveling;
- (i) Earth moving and excavation;
- (j) Exposed surfaces;
- (k) Any other source of fugitive dust.
- (2) Strategies to control fugitive dust may include:
 - (a) Wetting or watering;
 - (b) Chemical stabilization;
 - (c) Enclosing or covering operations;
 - (d) Planting vegetative cover;
 - (e) Providing synthetic cover;
 - (f) Wind breaks;
 - (g) Reducing vehicular traffic;
 - (h) Reducing vehicular speed;
 - (i) Cleaning haul trucks before leaving loading area;
 - (j) Limiting pushing operations to wet seasons;
 - (k) Paving or cleaning road ways;
 - (l) Covering loads;
 - (m) Conveyor systems;
 - (n) Boots on drop points;
 - (o) Reducing the height of drop areas;
 - (p) Using dust collectors;
 - (q) Reducing production;
 - (r) Mulching;
 - (s) Limiting the number and power of blasts;
 - (t) Limiting blasts to non-windy days and wet seasons;
 - (u) Hydro drilling;
 - (v) Wetting materials before processing;
 - (w) Using a cattle guard before entering a paved road;
 - (x) Washing haul trucks before leaving the loading site; or Terracing.
- (3) Each source shall comply with all provisions of the fugitive dust control plan as approved by the Executive Secretary.

R307-309-5. Storage, Hauling and Handling of Aggregate Materials.

Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-6. Construction and Demolition Activities.

Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-7. Roads.

- (1) Any person responsible for construction or maintenance of any existing road or having right-of-way easement or possessing the right to use the same whose activities result in fugitive dust from the road shall minimize fugitive dust to the maximum extent possible. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

- (2) Unpaved Roads.
 - (a) When unpaved roads have an average daily traffic volume of less than 150 vehicle trips per day, averaged over a consecutive 5-day period, fugitive dust shall be minimized to the maximum extent possible.
 - (b) When unpaved roads have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive 5 day period, control techniques shall be used which are equal to or better than 2-inch bituminous surface.
 - (c) Any person responsible for construction or maintenance of any new or existing unpaved road shall prevent, to the maximum extent possible, the deposit of material from the unpaved road onto any intersecting paved road during construction or maintenance. Any person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

KEY: air pollution, dust*

1999 19-2-101

19-2-104

19-2-109